

REMARKS

By this Amendment, Applicant amends claims 1 and 4, and cancels claims 2 and 3 without any prejudice and disclaimer of the subject matter thereof. Claims 1 and 4-7 are currently pending.

In the Office Action, the Examiner rejected claims 3 and 4 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-4, 6, and 7 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,309,249 to Ishii ("Ishii"); and rejected claim 5 under 35 U.S.C. § 103(a) as unpatentable over Ishii in view of U.S. Patent No. 5,956,194 to Ohmi et al. ("Ohmi").¹ Applicant respectfully traverses the Examiner's rejections.

Regarding the Rejection Under 35 U.S.C. § 112

Applicant has amended claim 4 to recite "the display case" instead of "the display panel" to address an antecedent basis issue. Accordingly, Applicant respectfully requests withdrawal of the section 112 rejection of claim 4. Because claim 3 has been canceled, the rejection of claim 3 is moot.

Regarding the Rejection Under 35 U.S.C. § 102

Applicant respectfully traverses the Examiner's rejection of claims 1-4, 6, and 7 under 35 U.S.C. § 102(b) as anticipated by Ishii. In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action

detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, “wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation.” Ishii fails to disclose at least the above element recited by amended claim 1.

Ishii teaches “[a]n optical disc reproducing apparatus in which the type of the optical discs 2 is discriminated by a disc type discriminating device.” Ishii, abstract. “The liquid crystal display section 30 is constituted by an LCD interfacing circuit 31 (LCDINF), for driving a liquid crystal display panel 32 (LCD), based on analog video signals from VSR 23.” Ishii, column 5, lines 7-10. “The operating section 70 is constituted by the pointing device 74, comprised of an X-Y device 71, which is operated by the user and which may be accessed on the pixel-by-pixel basis, and a door switch 75 for automatically turning on a power switch when the user fails to turn off the switch when closing an upper lid.” Ishii, column 5, lines 60-65. Further, in Ishii, “[t]he outer lid 103 may be opened manually by more than 90° and fixed at a predetermined opening position.” Ishii, column 6, lines 39-40, emphasis added. However, Ishii fails to disclose at least “wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation,” as recited by amended claim 1.

The Examiner alleged that Ishii teaches “wherein the driving mechanism 70 opens the display panel 32, when a predetermined device of the information processing

apparatus starts predetermined operation by operation of the means 34” (Office Action at 3). Applicant respectfully disagrees.

As explained above, in Ishii, the operating device 70 includes the pointing device 74, an X-Y device 71, and a door switch 75. However, Ishii's teaching of operating device 70 does not constitute “wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation,” as recited by amended claim 1 (emphasis added).

Therefore, Ishii fails to disclose each and every element of amended claim 1. Ishii thus cannot anticipate the Applicant's invention recited in claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1. Since claims 4, 6, and 7 depend from claim 1, Applicant also requests withdrawal of the rejection of claims 4, 6, and 7 for at least the same reasons stated above. Further, claims 2 and 3 have been canceled, the rejection of claims 2 and 3 is therefore moot.

Regarding the Rejection Under 35 U.S.C. § 103.

Applicant respectfully traverses the Examiner's rejection of claim 5 under 35 U.S.C. § 103(a) as unpatentable over Ishii in view of Ohmi. Claim 5 depends from claim 1.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

As explained above, Ishii fails to teach or suggest at least “wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation,” as recited by amended claim 1. Ohmi fails to cure Ishii’s deficiencies.

The Examiner alleged that “Ohmi et al disclose the driving controls the driving mechanism via one of a wireless LAN, BlueTooth, an infrared-ray communication (see Ohmni et al’s column 23, lines 30-45).” (Office Action at 4). Even if the Examiner’s allegation is true, with which Applicant does not necessarily agree, Ohmi fails to teach or suggest at least “wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation,” as recited by amended claim 1.

Therefore, neither Ishii nor Ohmi, taken alone or in any reasonable combination, teaches or suggests all elements recited in claim 1. Claim 1 is thus allowable over Ishii in view of Ohmi. Because claim 5 depends from claim 1, claim 5 is therefore also allowable for at least being dependent from an allowable base claim. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 5.

Conclusion


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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